

REMARKS

In this third and final Office Action dated February 13, 2006, the Examiner has entered the Applicants' amendments to Claims 1, 3, 10, 13-19, 25-28, 36, 37, and 44, including the addition of new claims 45 - 48, as requested in the Applicants' previous response filed on November 4, 2005. The Examiner has also withdrawn the previous rejections of Claims 13-20, 25-36, and 44 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,252,589 to Bjorn C. Rettig et al. ("Rettig"). In addition, the Examiner has withdrawn the previous drawing rejection under 37 C.F.R. § 1.83(a) as not showing all of the features in the amended claims, and has further withdrawn the apparent previous objection to the specification. However, the Examiner has maintained the previous rejection of Claims 1-8, 10-12, 21-24, and 37-43, and has rejected the newly added Claims 45-46, under 35 U.S.C. § 102(e) as anticipated by Rettig. The Examiner has also maintained the previous rejection of Claim 9 under 35 U.S.C. § 103(a) as unpatentable over Rettig in view of U.S. Patent No. 6,807,558 to Gregory P. Hassett et al. ("Hassett"). In addition, the Examiner has newly rejected Claims 13-20, 25-36, 44, and 47-48 under 35 U.S.C. § 103(a) as unpatentable over Rettig in view of the UNIX system. Claims 1-48 now remain pending.

The Applicants thank the Examiner for withdrawing the previous rejections of Claims 13-20, 25-36, and 44 under 35 U.S.C. § 102(e), as well as the previous rejection of the drawings under 37 C.F.R. § 1.83(a), and apparent previous objection to the specification. In this response, the Applicants respectfully traverse all of the current rejections of Claims 1-48. The Applicants again respectfully submit that Rettig, Hassett, and knowledge in the art at the time of making the invention, either alone or in combination, fail to teach or suggest any technology for dynamically verifying resource module compatibility with an operating system as recited in Claims 1-48.

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The Applicants further submit that the cited reference to Rettig is disqualified from being relied upon to support the rejection of Claims 9, 13-20, 25-36, 44, and 47-48 under 35 U.S.C. § 103(a), because, pursuant to 35 U.S.C. § 103(c)(1), Rettig and the present application were commonly owned by the same assignee, Microsoft Corporation, at the time the invention of the present application was made. A statement by the undersigned asserting the common ownership at the time the invention was made appears in this response on Page 9 in a separately labeled section entitled STATEMENT OF COMMON OWNERSHIP pursuant to MPEP § 706.02(l)(2). In view of the disqualification, the Applicants respectfully request that the Examiner withdraw the rejection of Claims 9, 13-20, 25-36, 44, and 47-48 under 35 U.S.C. § 103(a) as being unpatentable over Rettig in view of Hassett and the UNIX system.

Since Rettig and the present application are still commonly owned by the same assignee, Microsoft Corporation, the Applicants are concurrently filing a terminal disclaimer with this response in compliance with 37 C.F.R. § 1.321(c) to preclude any potential rejections based on the non-statutory double patenting ground. The Applicants submit that the filing of the terminal disclaimer is not an admission of the propriety of any such rejections. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 U.S.P.Q.2d 1392 (Fed. Cir. 1991).

The Applicants further request that the Examiner amend Claims 9, 13, and 44 as indicated in this response in the AMENDMENTS TO THE CLAIMS section to rewrite them as independent claims incorporating all of the limitations of the claims from which they depend, and to cancel Claims 1-8, 10-12, 21-24, 37-43, and 45-46, all of which currently stand rejected under 35 U.S.C. § 102(e). The Applicants submit that the requested amendments and cancellations will place all of the remaining claims in this application, Claims 9, 13-20, 25-36,

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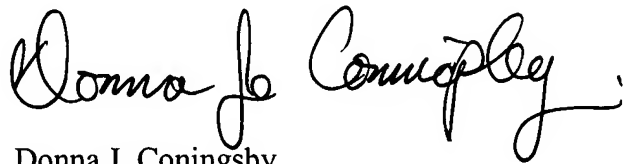
44, and 47-48, in condition for allowance. Accordingly, pursuant to 37 C.F.R. § 1.116, the Applicants respectfully request reconsideration and allowance of this application.

CONCLUSION

In view of the foregoing, it is submitted that the present application is now in condition for allowance. Reconsideration of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

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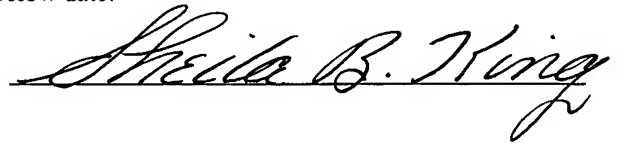


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Date:

April 13, 2006



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